

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JENNIFER MCQUEEN  
226 East 156th Street  
Cleveland, Ohio 44110

Plaintiff,

v.

HORIZON SCIENCE ACADEMY  
CLEVELAND ELEMENTARY, INC.  
c/o Murat Efe  
2265 Columbus Road  
Cleveland, Ohio 44113

and

HORIZON SCIENCE ACADEMY  
CLEVELAND MIDDLE SCHOOL, INC.  
c/o Murat Efe  
2265 Columbus Road  
Cleveland, Ohio 44113

and

NOBLE ACADEMY-CLEVELAND, INC.  
c/o Murat Efe  
2265 Columbus Road  
Cleveland, OH 44113

and

CONCEPT SCHOOLS – OHIO, INC.  
c/o Ozgur Balsoy  
1680 Watertower Drive  
Columbus, Ohio 43235

and

CONCEPT SCHOOLS, NFP  
c/o Sedat Duman  
2250 E. Devon Avenue Suite 215  
Des Plaines, IL 60018

Defendants.

) CASE NO.

) JUDGE

) **COMPLAINT**

) **[with Jury Demand Endorsed Hereon]**

Now comes Plaintiff Jennifer McQueen, by and through counsel, for her Complaint against Horizon Science Academy Cleveland Elementary Inc., Horizon Science Academy Cleveland Middle School, Inc., Horizon Science Academy Cleveland High School, Inc., Noble Academy Cleveland, Inc., Concept Schools-Ohio, Inc., and Concept Schools, NFP, and states and alleges the following:

### **Introduction and the Parties**

1. This Equal Pay Act and Title VII gender discrimination action arises out of Plaintiff Jennifer McQueen's employment as a janitor at four schools run by Concept Schools, NFP, and Concept Schools – Ohio (collectively, "Concept Schools"): Horizon Science Academy Cleveland Elementary, Inc., Horizon Science Academy Cleveland Middle School, Inc., Horizon Science Academy Cleveland High School, Inc. (collectively referred to as "the Horizon Schools"), and Noble Academy-Cleveland, Inc. Throughout Ms. McQueen's employment at the Horizon Schools and Noble-Academy-Cleveland, Inc., Defendants systematically violated the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964 (codified at 29 U.S. C. § 206(d)(1)) and 42 U.S.C. § 2000e-2, respectively) by paying Plaintiff less pay than her male colleagues doing substantially similar work, in similar working conditions, because of her gender.

2. Plaintiff Jennifer McQueen was a janitor at various schools managed by Concept Schools, and an employee of the various Defendants, for nine years. At all times relevant, she was a citizen of the United States and a resident of Cuyahoga County, Ohio.

3. Horizon Science Academy Cleveland Elementary Inc. is an Ohio non-profit organization with its principal place of business at 6150 South Marginal Road, Cleveland, Ohio 44103.

4. Horizon Science Academy Cleveland Middle School, Inc. is an Ohio non-profit organization with its principal place of business at 6100 South Marginal Road, Cleveland, Ohio 44103.

5. Horizon Science Academy Cleveland High School, Inc. is an Ohio non-profit organization with its principal place of business at 6000 South Marginal Road, Cleveland Ohio 44103.

6. Noble Academy-Cleveland, Inc. is an Ohio non-profit organization with its principal place of business at 1200 E. 200th Street, Euclid, Ohio 44117.

7. Concept Schools-Ohio Inc. is an Ohio non-profit organization with its principal place of business at 2265 Columbus Road, Cleveland, Ohio 44113.

8. Concept Schools, NFP is a non-profit charter school management organization, which manages the Horizon Schools and Noble Academy-Cleveland, Inc., among other charter schools, with its principal place of business at 2250 E. Devon Ave., Suite # 215, Des Plaines, Illinois 60018.

### **Jurisdiction and Venue**

9. This Court has original jurisdiction of this action under 28 U.S.C § 1331 and § 1343 (3). This matter involves claims under Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963, which prohibit employment discrimination on the basis of gender.

10. Venue is proper in this judicial district and division pursuant to 28 U.S.C. § 1391(b). The events or omissions giving rise to these claims occurred in this district and division. Plaintiff Jennifer McQueen resides in this district and division.

11. Concept Schools, NFP founded, developed, and currently manages the Horizon Schools and Noble Academy. Concept Schools-Ohio is the regional office of Concept Schools,

and Concept Schools, NFP manages its Cleveland-area schools out of this office. Through the operation of this office, the Horizon Schools, and Noble Academy, Concept Schools, NFP participates in continuous and systematic activities in Ohio. It employs teachers, school directors, and other staff in Ohio, regularly transacts business in Ohio, advertises and provides services in Ohio, and operates schools which enjoy the benefit of some public funding from Ohio.

**Relevant Facts**

12. Plaintiff Jennifer McQueen was employed at various schools managed by Concept Schools as a janitor for nine years, from 2005-2014.

13. Although Ms. McQueen was placed at different schools over the years, she signed a substantially similar contract with Concept Schools each year.

14. Ms. McQueen's job duties included janitorial functions, including, but not limited to, general repair and maintenance work, sweeping, mopping, dusting, vacuuming, cleaning walls and fixtures, painting, trimming shrubs and trees, moving furniture, and picking up and delivering school lunches.

15. Ms. McQueen made a similar salary each year in which she worked at Concept Schools. Each year, she collected a salary of about \$27,000-\$28,000. At each school, Ms. McQueen made less than her male janitorial co-workers with substantially similar job duties, who worked in similar working conditions.

16. From December 2005 through October 2007, Ms. McQueen worked at Horizon Science Academy Cleveland Middle School, Inc.

17. In October 2007, Ms. McQueen was transferred to Horizon Science Academy Cleveland Elementary School, Inc. She worked at this school until October 2011.

18. In October 2011, Ms. McQueen was transferred to Noble Academy-Cleveland, Inc. Ms. McQueen's vacant position at Horizon Science Academy Cleveland, Inc. was filled by a man.

19. In 2011, Ms. McQueen also started completing janitorial duties at the Concept Schools-Ohio administration building. For this additional work, Ms. McQueen received an additional \$2000 more per year in salary.

20. In July 2013, Ms. McQueen was transferred to Horizon Science Academy Cleveland High School, Inc. Ms. McQueen's vacant position at Noble Academy-Cleveland, Inc. was filled by a man. Ms. McQueen discovered at this time that the replacement at Noble Academy-Cleveland, Inc. made more than she did for the same work.

21. At the high school, Ms. McQueen worked with a man named Eric Bickelmeyer. Mr. Bickelmeyer and Ms. McQueen were both janitors at the high school, and they had substantially similar job duties which were completed in the same working conditions.

22. By the 2013-14 school year, Ms. McQueen had amassed about nine years of janitorial experience. Mr. Bickelmeyer had about five years of janitorial experience.

23. During the 2013-14 school years, Ms. McQueen made a salary of \$28,500 per year. During the same year, Mr. Bickelmeyer made \$35,666.64 per year.

24. When Ms. McQueen asked a representative at the Horizon Schools for an explanation as to her lesser pay, Horizon Schools provided no explanation as to why Ms. McQueen was paid \$597.22 less per month – \$7,166.64 less per year – than Mr. Bickelmeyer, her less experienced co-worker in the same position.

25. In early February 2014, Ms. McQueen resigned from her job at Horizon Science Academy Cleveland High School, Inc. and was unable to find similar employment until March 2015.

26. Ms. McQueen timely filed a discrimination complaint with the Equal Opportunity Employment Commission.

27. Ms. McQueen received her Dismissal and Notice of Right to Sue Letter within the last 90 days, on December 29, 2014.

28. By paying Ms. McQueen less than her male counterparts, and replacing her position with a male colleague in at least two positions throughout Ms. McQueen's employment with Concept Schools, Defendants have disparately treated Plaintiff and discriminated against her because of her gender.

**COUNT ONE**  
**(Violation of the Equal Pay Act, 29 U.S.C. § 206(d)(1))**

29. Plaintiff incorporates the paragraphs above as if fully rewritten herein.

30. From 2005 to February 2014, Defendants have paid wages to Plaintiff, a female, at a rate less than the rate at which Defendants pay male employees for equal work on jobs that require equal skill, effort, and responsibility, and which are performed under similar working conditions.

31. Defendants have failed to pay equal wages to Ms. McQueen because of her female gender.

32. Ms. McQueen has suffered damages as a direct and proximate result of Defendants' violations.

**COUNT TWO**  
**(Gender Discrimination under Title VII, 42 U.S.C. § 2000e)**

33. Plaintiff incorporates the paragraphs above as if fully rewritten herein.
34. Plaintiff's gender is part of the protected class under the Equal Pay Act.
35. Ms. McQueen received her Notice of Right to Sue letter within the last 90 days.
36. Defendants took an adverse action in paying Ms. McQueen less than her male counterparts at least in part due to her gender.
37. Ms. McQueen has suffered damages as a direct and proximate result of Defendants' violations.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against Defendants and in favor of Plaintiff, and award Plaintiff damages, including front pay, back pay, liquidated damages, other compensatory damages, punitive damages, pre-judgment interest, costs and litigation expenses, reasonable attorneys' fees, and any and all other relief this Court deems just and equitable.

Respectfully submitted,

s/ Scott D. Perlmutter  
SCOTT D. PERLMUTER (0082856)  
Novak, Pavlik, Deliberato LLP  
950 Skylight Office Tower  
1660 W. 2<sup>nd</sup> Street  
Cleveland, Ohio 44113

Attorney for Plaintiff

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues so triable.

s/ Scott D. Perlmutter  
SCOTT D. PERLMUTER (0082856)